

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; NORMAN W.
OLIVER; DARLENE ANDERSON;
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

AFFIDAVIT OF MASSACHUSETTS STATE REPRESENTATIVE CHERYL RIVERA

I, Representative Cheryl Rivera, hereby certify as follows:

- 1) I represent the Tenth Hampden District in the Massachusetts House of Representatives. I am a Hispanic American citizen of the United States and I am registered to vote in Springfield, Massachusetts. I have personal knowledge of the facts stated in this Affidavit.
- 2) I live in the Brightwood section of Springfield's North End neighborhood. With the exception of the time that I spent as a college student in Boston, I have lived in the North End for my entire life.

3) The Tenth Hampden District has approximately 41,000 residents and includes the North End, South End, and Forrest Park neighborhoods. Approximately 50% of my constituents are Hispanic, and approximately 60% are people of color.

4) I was first elected to the Massachusetts House of Representatives in 1998. Since then, I have been re-elected three times.

5) I am familiar with Springfield's at-large system for selecting its City Council and School Committee.

6) Since I was elected in 1998, there has not been a single member on the City Council or School Committee who lived in my district.

7) The city's at-large election system disadvantages people of color by making it virtually impossible for them to be elected to the City Council or School Committee.

8) I know Hispanic residents of Springfield who have been discouraged from running for City Council or School Committee because they believe that it would be virtually impossible for them to win.

9) Prior to 2004, the city never conducted a bilingual training session for poll workers. To the extent that translations were provided at all for non-fluent English speakers, they were provided unofficially by other attendees who were bilingual.

10) In 2004, a number of non-fluent English speakers learned that the Election Commission would not permit them to serve as poll workers because they had not been trained. The reason that they had not been trained was that the City had not provided a bilingual training session.

11) When my constituents came to me about this problem, I called the Election Commission and insisted that they hold a bilingual training session. In response, the Election

Commission held an official bilingual training session. I believe that if I had not intervened, the City's policy would have prevented non-fluent English speakers from serving as poll workers.

12) Because my district is not represented on the City Council or the School Committee, the City Council and School Committee fail to address issues that are important to my constituents. They address other issues in ways that are harmful to my constituents.

13) Because my district has no elected representatives on the City Council or School Committee, I often find myself trying to intervene on the district's behalf in city issues, including zoning, policing, and education. When I describe this involvement to my colleagues in the House of Representatives, they respond with surprise and indicate that they are not similarly involved in municipal government.

14) For example, the concentration of billboards in my district is higher than the concentration elsewhere in the city. In 2001, when I first took up the issue with the City Council, my district had 107 of the 247 billboards in the city. That year, I served on a city-wide Billboard Ordinance Review Committee to consider options for regulating new billboards. At that time, there was no limit on the number of billboards that could be erected in Springfield. I believe that this lack of regulation was due to the fact that the areas most affected by the billboards were not represented on the City Council.

15) I believe that my intervention played an important role in the passage of an ordinance in 2002 limiting the total number of billboards in Springfield to 250.

16) If my district had been represented on the City Council, it would not have been necessary for me to speak to the City Council about billboards in my district, because their City Councilor would have been able to speak on their behalf.

17) I receive complaints from constituents about a lack of effective policing in my district.

18) Beginning around 2001, young people regularly engaged in drag racing along Main Street in the North End. The police did not stop the offenders.

19) In 2003, the Governor signed into law a home rule bill that I co-sponsored that gave Springfield police the power to confiscate offenders' cars prior to holding a forfeiture hearing. Soon thereafter, the drag racing stopped. Again, I believe that my intervention played an important role in addressing this issue. Furthermore, my intervention would not have been necessary if my district had been represented on the City Council.

20) There are four senior centers in Springfield, but none are located in my district.

21) My district contains a disproportionate amount of Springfield's industrial development and environmental hazards. This development is more easily accomplished in my district, because there is no one on the City Council to speak on my constituents' behalf with respect to zoning issues. The bus terminals for Peter Pan and the Pioneer Valley Transit Authority are located in my district, and Peter Pan also maintains a repair facility there. There is a very high concentration of auto repair shops. The recycling center is located in my district. My district also contains a large number of warehouses that serve as the center of the City's trucking industry.


22) There are unusually high principal turnover rates at three schools located in my district - the German Gerena Community School, the Chestnut Accelerated Middle School, and the Brightwood School. In the last five years, there have been approximately fifteen different principals and vice principals at these three schools. A large number of the students at these schools live in my district, and the turnover rates are a serious concern among my constituents.

Their concern is growing because when busing ends, an even greater number of children in the district will attend these three schools. I believe that the School Committee has neglected this problem because none of the School Committee members are from my district.

23) African American and Hispanic residents across the city share common interests on many issues, including poverty reduction, housing quality, city services, health care, and the frequency of asthma and diabetes.

24) I have observed African American and Hispanic residents who live in the same Springfield neighborhoods working together when they believe that the City Council is not being responsive to their neighborhoods' needs. For example, African American and Hispanic residents work together to improve housing quality, to push for sidewalk and street repairs, and to urge the city to demolish condemned buildings.

Signed under penalties of perjury, this 14 day of July, 2005.


Representative Cheryl Rivera

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